

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 6923 of 1995

Between:

C. Kasturappa S/o. Sri C. Gurappa
Agricultural Market Yard, Adoni, Kurnool District.

..... PETITIONER

AND

- 1 The Agricultural Market Committee rep. by its Person-in-Charge
Adoni, Kurnool District.
- 2 The Director of Marketing, Government of Andhra Pradesh
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or other appropriate writ, order or direction declaring the action of the respondents in not allotting a godown to the petitioner as illegal and unjust and direct the respondents to allot a godown to the petitioner i.e., Sri C. Kasturappa, Cotton Merchant and Commission Agent in Agricultural Market Yard, Adoni, Kurnool District.

Counsel for the Petitioner:MR.A.VEERASWAMY

Counsel for Respondent NO.1: MR.BADANABHASKAR RAO
(SC FOR AGRL.MRKTING)

Counsel for respondent No. 2: --

The Court made the following ORDER:

This writ petition is filed by the petitioner seeking a direction to the respondents to allot a godown to the petitioner in Agricultural Market Yard, Adoni, Kurnool District and to declare the action of the respondents in not allotting the godown to him as illegal and arbitrary.

It is stated that the petitioner is a licenced Commission Agent in first respondent market and doing the business for the last 30 years. The petitioner claims to be in possession of an old godown and that the first respondent market committee has requested him to surrender the same and promised for allotment of a new godown on completion of construction of new godowns. However, on completion of the construction of godowns, the petitioner was not allotted the same, as such he made representations to first respondent on

23-01-1993 and 28-12-1994 requesting to allot a new godown. Complaining that no action was taken thereon, the present writ petition is filed.

Though the writ petition was admitted in the year 1995, the respondents did not choose to file counter-affidavit in the matter. Even on the last occasion, when the matter is taken up, the learned counsel for respondents sought time to file counter-affidavit, however, the same was not yet filed. Hence, the matter is taken up for disposal based on the material available on record.

Learned counsel for petitioner submitted that the petitioner is a licenced commission agent and on the request of the first respondent, he has surrendered the old godown and is eligible in all respects for allotment of new godown. It is also stated that due to non-allotment of new godown, his business is affected and he is

subjected to hardships.

Heard learned counsel for petitioner and learned standing counsel for first respondent Mr.Badana Bhaskar.

In the circumstances, accepting the averments made in the affidavit as true and correct, the writ petition is allowed directing the respondents to allot a suitable godown to the petitioner in the Agricultural Market Yard, Adoni, Kurnool District, at the earliest. No costs.

N.V.RAMANA,J

31st AUGUST, 2004.

TVK/KVNI

To

- 1 The Agricultural Market Committee rep. by its Person-in-Charge
Adoni, Kurnool District.
- 2 The Director of Marketing, Government of Andhra Pradesh
Hyderabad.
3. Two CD copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

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Date: 31-08-2004